

**BEFORE THE
MEDICAL BOARD OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

**In the Matter of the Accusation)
Against:)**

REGINA LINROL HUANG, M.D.)

File No. 800-2016-025440

**Physician's and Surgeon's)
Certificate No. A 75382)**

Respondent)

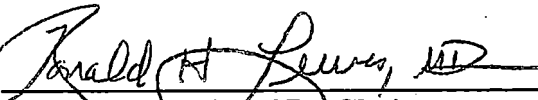
DECISION AND ORDER

The attached Stipulated Settlement and Disciplinary Order is hereby adopted as the Decision and Order of the Medical Board of California, Department of Consumer Affairs, State of California.

This Decision shall become effective at 5:00 p.m. on May 23, 2018.

IT IS SO ORDERED April 23, 2018.

MEDICAL BOARD OF CALIFORNIA

By: 

**Ronald H. Lewis, M.D., Chair
Panel A**

1 XAVIER BECERRA
Attorney General of California
2 JANE ZACK SIMON
Supervising Deputy Attorney General
3 DAVID CARR
Deputy Attorney General
4 State Bar No. 131672
455 Golden Gate Avenue, Suite 11000
5 San Francisco, CA 94102-7004
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Attorneys for Complainant

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8 **BEFORE THE**
MEDICAL BOARD OF CALIFORNIA
9 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

10 In the Matter of the Accusation Against:

11 **Regina Linrol Huang, M.D.**

12
13 3553 Whipple Rd.
14 Union City, CA 94587

15 Physician's and Surgeon's Certificate
No. A75382

16 Respondent.

Case No. 800-2016-025440

OAH No. 2017120946

**STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER**

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19 **IT IS HEREBY STIPULATED AND AGREED** by and between the parties to the above-
20 entitled proceedings that the following matters are true:

21 1. Kimberly Kirchmeyer (Complainant) is the Executive Director of the Medical Board
22 of California (Board). She brought this action solely in her official capacity and is represented in
23 this matter by Xavier Becerra, Attorney General of the State of California, by David Carr, Deputy
24 Attorney General.

25 2. Regina Linrol Huang, M.D. (Respondent) is represented in this proceeding by
26 attorney Thomas E. Still, of Hinshaw, Marsh, Still & Hinshaw, whose address is: 12901 Saratoga
27 Avenue, Saratoga, CA 95070-9998.
28

3. On June 27, 2001, the Board issued Physician's and Surgeon's Certificate No. A75382 to Respondent. The Physician's and Surgeon's Certificate was in full force and effect at all times relevant to the charges brought in Accusation 800-2016-025440 and will expire on June 30, 2019, unless renewed.

JURISDICTION

4. On September 15, 2017, Complainant Kimberly Kirchmeyer, in her official capacity as the Executive Director of the Board, filed Accusation No. 800-2016-025440 against Respondent. The Accusation and all other statutorily required documents were properly served on Respondent and she timely filed her Notice of Defense.

5. A copy of Accusation No. 800-2016-025440 is attached as exhibit A and incorporated herein by reference.

ADVISEMENT AND WAIVERS

6. Respondent has carefully read, fully discussed with counsel, and understands the charges and allegations in Accusation No. 800-2016-025440. Respondent has also carefully read, fully discussed with counsel, and understands the effects of this Stipulated Settlement and Disciplinary Order.

7. Respondent is fully aware of her legal rights in this matter, including the right to a hearing on the charges and allegations in the Accusation; the right to confront and cross-examine the witnesses against her; the right to present evidence and to testify on her own behalf; the right to the issuance of subpoenas to compel the attendance of witnesses and the production of documents; the right to reconsideration and court review of an adverse decision; and all other rights accorded by the California Administrative Procedure Act and other applicable laws.

8. Respondent voluntarily, knowingly, and intelligently waives and gives up each and every right set forth above.

CULPABILITY

9. Respondent agrees that, at an administrative hearing, Complainant could establish a *prima facie* case with respect to the charges and allegations contained in Accusation No. 800-

1 2016-025440 and that she has thereby subjected her Physician's and Surgeon's Certificate to
2 discipline as forth in the Disciplinary Order below.

3 **CONTINGENCY**

4 10. This stipulation shall be subject to approval by the Medical Board of California.
5 Respondent understands and agrees that counsel for Complainant and the staff of the Medical
6 Board of California may communicate directly with the Board regarding this stipulation and
7 settlement, without notice to or participation by Respondent or her counsel. By signing the
8 stipulation, Respondent understands and agrees that she may not withdraw her agreement or seek
9 to rescind the stipulation prior to the time the Board considers and acts upon it. If the Board fails
10 to adopt this stipulation as its Decision and Order, the Stipulated Settlement and Disciplinary
11 Order shall be of no force or effect, except for this paragraph, it shall be inadmissible in any legal
12 action between the parties, and the Board shall not be disqualified from further action by having
13 considered this matter.

14 11. The parties understand and agree that Portable Document Format (PDF) and facsimile
15 copies of this Stipulated Settlement and Disciplinary Order, including PDF and facsimile
16 signatures thereto, shall have the same force and effect as the originals.

17 12. In consideration of the foregoing admissions and stipulations, the parties agree that
18 the Board may, without further notice or formal proceeding, issue and enter the following
19 Disciplinary Order:

20 **DISCIPLINARY ORDER**

21 **Public Reprimand:** IT IS HEREBY ORDERED that Physician's and Surgeon's Certificate
22 No. A75382 issued to Regina Linrol Huang, M.D. is hereby publicly reprimanded pursuant to
23 California Business and Professions Code § 2227(a)(4). This Public Reprimand, which is issued
24 in connection with Respondent's actions as set forth in Accusation No. 800-2016-025440, is as
25 follows:
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27 In the course of your care and treatment of a patient in May 2012, you failed to effectively
28 evaluate and differentially diagnose the patient's compressive myelopathy.

1 **Education Course:** Within 60 calendar days of the effective date of this Decision
2 Respondent shall submit to the Board or its designee, for its prior approval, proof of enrollment in
3 40 hours of Category I Continuing Medical Education courses in the area of internal medicine and
4 evaluative diagnosis. Respondent shall provide proof of her successful completion of the
5 approved courses, which shall be completed within 6 months of the effective date of this order
6 unless express consent to continued completion date is granted by the Board or its designee. The
7 unexcused failure to complete this Education Course requirement within the six-month period
8 shall constitute unprofessional conduct and the basis for disciplinary action. The educational
9 program(s) or course(s) shall be at Respondent's expense and shall be in addition to the
10 Continuing Medical Education requirements for renewal of licensure.

11
12 **ACCEPTANCE**

13 I, Regina Linrol Huang, M.D., have carefully read this Stipulated Settlement and
14 Disciplinary Order and, having the benefit of counsel, enter into it freely, voluntarily, intelligently
15 and with full knowledge of its force and effect on my Physician's and Surgeon's Certificate, No.
16 A75382. I fully understand that, after signing this stipulation, I may not withdraw from it, that it
17 shall be submitted to the Medical Board of California for its consideration, and that the Board
18 shall have a reasonable period of time to consider and act on this stipulation after receiving it. By
19 entering into this stipulation, I fully understand that, upon formal acceptance by the Board, I shall
20 be publically reprimanded by the Board as set forth above.

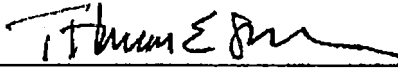
21
22 DATED: March 1, 2018

23 Regina Linrol Huang MD
24 REGINA LINROL HUANG, M.D.
25 Respondent
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1 I have read and fully discussed with Regina Linrol Huang, M.D. the terms and conditions
2 and other matters contained in the above Stipulated Settlement and Disciplinary Order. I approve
3 its form and content.

4 DATED:

March 2, 2018


THOMAS E. STILL
Attorney for Respondent

6
7
8 ENDORSEMENT

9 The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully
10 submitted for consideration by the Medical Board of California.

11 Dated:

March 5, 2018

Respectfully submitted,

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13 XAVIER BECERRA
Attorney General of California
14 JANE ZACK SIMON
Supervising Deputy Attorney General

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16 DAVID CARR
17 Deputy Attorney General
Attorneys for Complainant
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Exhibit A

Accusation No. 800-2016-025440

1 XAVIER BECERRA
Attorney General of California
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Supervising Deputy Attorney General
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Attorneys for Complainant

FILED
STATE OF CALIFORNIA
MEDICAL BOARD OF CALIFORNIA
SACRAMENTO September 15, 2017
BY: H. Voong ANALYST

BEFORE THE
MEDICAL BOARD OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Accusation Against:

Case No. 800-2016-025440

Regina Linrol Huang, M.D.

A C C U S A T I O N

3553 Whipple Rd
Union City, CA 94587-1507

Physician's and Surgeon's Certificate
No. A75382,

Respondent.

Complainant alleges:

PARTIES

1. Kimberly Kirchmeyer ("Complainant") brings this Accusation solely in her official capacity as the Executive Director of the Medical Board of California, Department of Consumer Affairs ("Board").

2. On or about June 27, 2001, the Medical Board issued Physician's and Surgeon's Certificate Number A75382 to Regina Linrol Huang, M.D. ("Respondent"). The Physician's and Surgeon's Certificate was in full force and effect at all times relevant to the charges brought herein and will expire on June 30, 2019, unless renewed.

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JURISDICTION

3. This Accusation is brought before the Board, under the authority of the following laws. All section references are to the Business and Professions Code unless otherwise indicated.

4. Section 2227 of the Code states:

“(a) A licensee whose matter has been heard by an administrative law judge of the Medical Quality Hearing Panel as designated in Section 11371 of the Government Code, or whose default has been entered, and who is found guilty, or who has entered into a stipulation for disciplinary action with the board, may, in accordance with the provisions of this chapter:

“(1) Have his or her license revoked upon order of the board.

“(2) Have his or her right to practice suspended for a period not to exceed one year upon order of the board.

“(3) Be placed on probation and be required to pay the costs of probation monitoring upon order of the board.

“(4) Be publicly reprimanded by the board. The public reprimand may include a requirement that the licensee complete relevant educational courses approved by the board.

“(5) Have any other action taken in relation to discipline as part of an order of probation, as the board or an administrative law judge may deem proper.

“(b) Any matter heard pursuant to subdivision (a), except for warning letters, medical review or advisory conferences, professional competency examinations, continuing education activities, and cost reimbursement associated therewith that are agreed to with the board and successfully completed by the licensee, or other matters made confidential or privileged by existing law, is deemed public, and shall be made available to the public by the board pursuant to Section 803.1.”

5. Section 2234 of the Code, states:

“The board shall take action against any licensee who is charged with unprofessional conduct. In addition to other provisions of this article, unprofessional conduct includes, but is not limited to, the following:

1 “(a) Violating or attempting to violate, directly or indirectly, assisting in or abetting the
2 violation of, or conspiring to violate any provision of this chapter.

3 “(b) Gross negligence.

4 “(c) Repeated negligent acts. To be repeated, there must be two or more negligent acts or
5 omissions. An initial negligent act or omission followed by a separate and distinct departure from
6 the applicable standard of care shall constitute repeated negligent acts.

7 “(1) An initial negligent diagnosis followed by an act or omission medically appropriate
8 for that negligent diagnosis of the patient shall constitute a single negligent act.

9 “(2) When the standard of care requires a change in the diagnosis, act, or omission that
10 constitutes the negligent act described in paragraph (1), including, but not limited to, a
11 reevaluation of the diagnosis or a change in treatment, and the licensee's conduct departs from the
12 applicable standard of care, each departure constitutes a separate and distinct breach of the
13 standard of care.

14 “(d) Incompetence.

15 “(e) The commission of any act involving dishonesty or corruption which is substantially
16 related to the qualifications, functions, or duties of a physician and surgeon.

17 “(f) Any action or conduct which would have warranted the denial of a certificate.

18 “(g) The practice of medicine from this state into another state or country without meeting
19 the legal requirements of that state or country for the practice of medicine. Section 2314 shall not
20 apply to this subdivision. This subdivision shall become operative upon the implementation of the
21 proposed registration program described in Section 2052.5.

22 “(h) The repeated failure by a certificate holder, in the absence of good cause, to attend and
23 participate in an interview by the board. This subdivision shall only apply to a certificate holder
24 who is the subject of an investigation by the board.”

25 6. The incidents described herein occurred in the state of California.

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FIRST CAUSE FOR DISCIPLINE

(Unprofessional Conduct/Negligent Acts)

7. Respondent is subject to disciplinary action under sections 2234 and 2234(c) in that her care and treatment of a patient included repeated negligent acts. The circumstances are as follows:

8. Respondent had been following 69 year-old patient RG¹ for approximately 10 years when she saw him on May 14, 2012, in the outpatient clinic at the Kaiser facility in Union City. Patient RG had a history of hypertension and was pre-diabetic; he had been a lifelong smoker but stopped about 4 years earlier. RG told Respondent he had been experiencing increasing right leg weakness and numbness for about two weeks. Respondent's chart entries for this visit state that RG was experiencing "shooting pain down right leg and right arm with slight rotation of neck. Also noted bilateral upper extremity numbness..." Respondent charted a physical exam and diagnosed RG as suffering from "(h)emiparesis or hemiplegia, late effect of cerebrovascular disease..." Respondent ordered laboratory tests, x-rays of the cervical spine, and a CT scan of the brain. Respondent did not order an ECG or a carotid ultrasound study; no lipid profile was done at this time. Respondent continued RG's hypertensive medication and also started him on aspirin, referred him for physical therapy, and directed him to return for a second visit in two weeks.

9. The cervical spine x-ray study was performed that day, and was reported as showing "diffuse degenerative changes, and suboptimal evaluation of the neural foramina." In a message sent that afternoon, Respondent told RG that the neck x-rays "showed lots of wear and tear changes in your neck." The ordered CT scan of RG's brain was conducted the following day. After reviewing the results on May 15, Respondent sent a second message to RG, stating that the scan revealed an "(a)ging brain. No evidence of acute stroke on the scan." Respondent also directed her medical assistant to call RG with that same message, and to remind him to continue taking his aspirin daily and to make a physical therapy appointment.

¹ The patient is identified herein by initials to preserve patient confidentiality. The patient's full name will be produced to Respondent upon request.

1 10. Patient RG returned to the outpatient clinic to see Respondent on May 29, 2012, as
2 directed. After examination, Respondent reiterated her diagnosis of hemiparesis or hemiplegia,
3 consequent to cerebrovascular disease. Respondent ordered an increase in RG's dose of
4 hypertensive medication. Her stated treatment plan was to control RG's blood pressure, continue
5 with the dose of aspirin, to check RG's lipids, and follow-up with physical therapy. The ordered
6 lipid profile was not performed until August 2, 2012. The results showed a substantially elevated
7 low density lipoprotein (LDL) reading; Respondent prescribed statin medication by telephone to
8 lower the LDL on August 5, 2012. At this May 29, 2012, visit Respondent directed RG to return
9 for a blood pressure check in 2 weeks, but RG did not return to the Kaiser outpatient clinic to see
10 Respondent.

11 11. RG's medical records reveal that he underwent a colposcopy at the Union City Kaiser
12 hospital on January 9, 2013. RG also kept appointments with Kaiser providers for physical
13 therapy, occupational therapy, and optometric care. The medical record indicates that
14 Respondent and her medical assistant sent numerous messages to RG regarding various aspects of
15 his care: e.g., on or about March 12, 2013, a message was sent to RG which read "Please continue
16 your current medications."

17 12. In early April of 2013, RG travelled to the Philippines and by later report was
18 experiencing increasing weakness while traveling, but he did not seek medical attention until he
19 returned. On May 20, 2013, RG went to the Kaiser hospital emergency room; he was unable to
20 walk due to weakness in his right leg and was experiencing weakness in his right arm as well. An
21 immediate MRI scan revealed cervical spinal stenosis, with spinal cord deformity. After
22 consultation with a neurosurgeon, RG underwent cervical laminectomy on June 2, 2013, to
23 correct the spinal stenosis.

24 13. Respondent has subjected her license to discipline for unprofessional conduct in that
25 her failure to effectively include compressive myelopathy of the cervical spine in her differential
26 diagnosis of RG on May 14, 2012, was a departure from the standard of care which, in
27 conjunction with the other departures from the standard of care described herein, constitutes
28 unprofessional conduct and repeated acts of negligence in violation of sections 2234 and 2234(c).

1 **SECOND CAUSE FOR DISCIPLINE**

2 **(Unprofessional Conduct/Negligent Acts)**

3 14. The allegations of paragraphs 8 through 12 above are incorporated by reference as if
4 set out in full. Respondent has subjected her license to discipline for unprofessional conduct in
5 that her failure to perform a clinically adequate work up on RG after a presumptive diagnosis of
6 stroke was a departure from the standard of care which, in conjunction with the other departures
7 from the standard of care described herein, constitutes unprofessional conduct and repeated acts
8 of negligence in violation of sections 2234 and 2234(c).

9 **THIRD CAUSE FOR DISCIPLINE**

10 **(Unprofessional Conduct/Negligent Acts)**

11 15. The allegations of paragraphs 8 through 12 above are incorporated by reference as if
12 set out in full. Respondent has subjected her license to discipline for unprofessional conduct in
13 that her failure to act to ensure clinically sufficient follow up visits with RG after a presumptive
14 diagnosis of stroke was a departure from the standard of care which, in conjunction with the other
15 departures from the standard of care described herein, constitutes unprofessional conduct and
16 repeated acts of negligence in violation of sections 2234 and 2234(c).

17 **FOURTH CAUSE FOR DISCIPLINE**

18 **(Unprofessional Conduct/Negligent Acts)**

19 16. The allegations of paragraphs 8 through 12 above are incorporated by reference as if
20 set out in full. Respondent has subjected her license to discipline for unprofessional conduct in
21 that her failure to ensure timely clinical assessment of patient RG's lipids and thereafter to initiate
22 statin therapy as needed after a diagnosis of stroke was a departure from the standard of care
23 which, in conjunction with the other departures from the standard of care described herein,
24 constitutes unprofessional conduct and repeated acts of negligence in violation of sections 2234
25 and 2234(c).

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PRAYER

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Medical Board of California issue a decision:

1. Revoking or suspending Physician's and Surgeon's Certificate Number A75382, issued to Regina Linrol Huang, M.D.;
2. Revoking, suspending or denying approval of Regina Linrol Huang, M.D.'s authority to supervise physician assistants and advanced practice nurses;
3. Ordering Regina Linrol Huang, M.D., if placed on probation, to pay the Board the costs of probation monitoring; and
4. Taking such other and further action as deemed necessary and proper.

DATED: September 15, 2017


KIMBERLY KIRCHMEYER
Executive Director
Medical Board of California
Department of Consumer Affairs
State of California
Complainant